



DEPARTMENT OF THE NAVY
NAVY REGION NORTHWEST
1100 HUNLEY ROAD
SILVERDALE, WA 98315-1100

5720
Ser RLSO/0737
November 13, 2018

Melissa Perkins
196 Powell Road
Otis, LA 71466

Dear Ms. Perkins:

This responds to your Freedom of Information Act (FOIA) request dated October 3, 2018, seeking records of actions taken by the Navy against Chief Garcia and Patrol Squadron 47 regarding the death of Chief Nicholas K. Perkins. Your request was referred to Commander, Navy Region Northwest, received on October 31, 2018. It is assigned FOIA 2019-000165

Our search for documents included files maintained by Navy Region Northwest, Naval Air Station Whidbey Island and Patrol Squadron 47. Pursuant to procedures established in Secretary of the Navy Instruction (SECNAVINST) 5720.42F our search for responsive records encompasses those records in existence as of October 31, 2018.

I have reviewed the attached document which is responsive to your request, and it is released to you entirely. There are no assessable fees associated with the processing of your request.

Any questions concerning this matter, should be directed to Ms. Donna Hilton at (360) 315-5019.

Sincerely,

A handwritten signature in black ink, appearing to read "J. L. Hawks", is written over the typed name.

J. L. HAWKS
Commander, JAGC, U.S. Navy
Staff Judge Advocate
By direction of the Commander

Enclosure: 1. Requested documents

Copy to: NASWI
VP-47

RECORD OF TRIAL BY SUMMARY COURT-MARTIAL				
1a. NAME OF ACCUSED (<i>Last, First, MI</i>) GARCIA, HEATH J.	b. GRADE OR RANK MAC/E-7	c. UNIT OR ORGANIZATION OF ACCUSED NAVAL AIR STATION WHIDBEY ISLAND	d. SSN	
2a. NAME OF CONVENING AUTHORITY (<i>Last, First, MI</i>) MOORE, GEOFFREY	b. RANK CAPT/O-6	c. POSITION COMMANDING OFFICER	d. ORGANIZATION OF CONVENING AUTHORITY NAVAL AIR STATION WHIDBEY ISLAND	
3a. NAME OF SUMMARY COURT-MARTIAL (<i>If SCM was accuser, so state</i>) HARRIS, MARVIN D.	b. RANK CDR/O-5	c. UNIT OR ORGANIZATION OF SUMMARY COURT-MARTIAL CENTER FOR NAVAL AVIATION TECHNICAL TRAINING UNIT- WHIDBEY ISLAND		
(Check appropriate answer)				YES NO
4. At a preliminary proceeding held on <u>16 MAY</u> , <u>2018</u> , the summary court-martial gave the accused a copy of the charge sheet.				X
5. At that preliminary proceeding the summary court-martial informed the accused of the following:				
a. The fact that the charge(s) had been referred to a summary court-martial for trial and the date of referral.				X
b. The identity of the convening authority.				X
c. The name(s) of the accuser(s).				X
d. The general nature of the charge(s).				X
e. The accused's right to object to trial by summary court-martial.				X
f. The accused's right to inspect the allied papers and immediately available personnel records.				X
g. The names of the witnesses who could be called to testify and any documents or physical evidence which the summary court-martial expected to introduce into evidence.				X
h. The accused's right to cross-examine witnesses and have the summary court-martial cross-examine on behalf of the accused.				X
i. The accused's right to call witnesses and produce evidence with the assistance of the summary court-martial if necessary.				X
j. That during the trial the summary court-martial would not consider any matters, including statements previously made by the accused to the summary court-martial, unless admitted in accordance with the Military Rules of Evidence.				X
k. The accused's right to testify on the merits or to remain silent, with the assurance that no adverse inference would be drawn by the summary court-martial from such silence.				X
l. If any findings of guilty were announced, the accused's right to remain silent, to make an unsworn statement, oral or written or both, and to testify and to introduce evidence in extenuation or mitigation.				X
m. The maximum sentence which could be adjudged if the accused was found guilty of the offense(s) alleged.				X
n. The accused's right to plead guilty or not guilty.				X
6. At the trial proceeding held on <u>16 May</u> , <u>2018</u> , the accused, after being given a reasonable time to decide, <input type="checkbox"/> did <input checked="" type="checkbox"/> did not object to trial by summary court-martial. (Note: The SCM may ask the accused to initial this entry at the time the election is made.)				
 (Initial)				
7a. The accused <input type="checkbox"/> was <input checked="" type="checkbox"/> was not represented by counsel. (<i>If the accused was represented by counsel, complete b, c, and d below.</i>)				
b. NAME OF COUNSEL (<i>Last, First, MI</i>)				c. RANK (<i>If any</i>)
d. COUNSEL QUALIFICATIONS				

8. The accused was arraigned on the attached charge(s) and specification(s). The accused's pleas and the findings reached are shown below:

CHARGE(S) AND SPECIFICATION(S)	PLEA(S)	FINDINGS (Include any exceptions and substitutions)
Charge I, Specification 1: Violation of UCMJ Art. 92 (Dereliction of Duty)	NG	NG
Charge I, Specification 2: Violation of UCMJ Art. 92 (Failure to Obey Other Lawful Written Order)	NG	NG
Charge II, Specification: Violation of UCMJ Art. 134 (Reckless Endangerment)	NG	NG

9. The following sentence was adjudged:

10. The accused was advised of the right to request that confinement be deferred. (Note: When confinement is adjudged.)

☐ YES

☐ NO

11. The accused was advised of the right to submit written matters to the convening authority, including a request for clemency, and of the right to request review by the Judge Advocate General.

☒ YES

☐ NO

12. AUTHENTICATION

Marvin D. Harris
Signature of Summary Court-Martial

116 MAY 2018
Date

13. ACTION BY CONVENING AUTHORITY

Typed Name of Convening Authority

Position of Convening Authority

Rank

Signature of Convening Authority

Date